

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

VICTORIA WELLINGTON,	:	Case No. 1:07CV3559
	:	
	:	
Petitioner,	:	
	:	JUDGE KATHLEEN M. O'MALLEY
v.	:	
	:	
Commissioner of Social Security,	:	
	:	ORDER
Respondent.	:	

The Commissioner of Social Security denied social security benefits to the Claimant, Victoria Wellington (“Wellington”), in the above-captioned case. Wellington sought judicial review of the Commissioner’s decision, and this Court referred the case to Magistrate Judge David S. Perelman for preparation of a Report and Recommendation (“R&R”) pursuant to Local Rule 72.2(b)(1) and 28 U.S.C. § 636(b)(1)(B). Both parties filed briefs in support of their respective positions. (Docs. 17 and 22.) The Magistrate Judge then submitted his R&R on October 20, 2008, recommending that the Court affirm the Administrative Law Judge’s (“ALJ”) decision denying Wellington’s claims for disability benefits pursuant to 42 U.S.C. § 416, 423 and supplemental security income benefits pursuant to 42 U.S.C. § 1381 *et seq.* (Doc. 23.) Neither party has filed an objection to the R&R and the time for doing so has now expired.

The Court has reviewed the Magistrate Judge’s R&R, *de novo*. The Court agrees with the Magistrate Judge’s conclusions – most importantly, that the ALJ’s decision was within the “zone of choice” in light of the “substantial evidence” standard applicable to this Court’s review of the Secretary’s decision. (*See* Doc. 23 at 9.) Though the Court might articulate its conclusions differently, and more thoroughly, because neither party has objected to the Magistrate Judge’s R&R,

further explanation of the Court's reasoning is not required. *Tuggle v. Seabold*, 806 F.2d 87, 92-93 (6th Cir. 1986).

Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R, thus **AFFIRMING** the Commissioner of Social Security's decision denying Wellington's claims.

IT IS SO ORDERED.

s/Kathleen M. O'Malley
KATHLEEN MCDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

Date: December 12, 2008